

105TH CONGRESS
2D SESSION

S. 1770

To elevate the position of Director of the Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 17, 1998

Mr. MCCAIN (for himself, Mr. CAMPBELL, Mr. INOUE, and Mr. CONRAD) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To elevate the position of Director of the Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. OFFICE OF ASSISTANT SECRETARY FOR INDIAN**
4 **HEALTH.**

5 (a) ESTABLISHMENT.—There is established within
6 the Department of Health and Human Services the Office
7 of the Assistant Secretary for Indian Health.

1 (b) ASSISTANT SECRETARY FOR INDIAN HEALTH.—

2 In addition to the functions performed on the date of en-
3 actment of this Act by the Director of the Indian Health
4 Service, the Assistant Secretary for Indian Health shall
5 perform such functions as the Secretary of Health and
6 Human Services may designate.

7 (c) REFERENCES.—Reference in any other Federal
8 law, Executive order, rule, regulation, or delegation of au-
9 thority, or any document of or relating to the Director
10 of the Indian Health Service shall be deemed to refer to
11 the Assistant Secretary for Indian Health.

12 (d) RATE OF PAY.—

13 (1) POSITIONS AT LEVEL IV.—Section 5315 of
14 title 5, United States Code, is amended—

15 (A) by striking the following:

16 “Assistant Secretaries of Health and Human
17 Services (6).”; and

18 (B) by inserting the following:

19 “Assistant Secretaries of Health and Human
20 Services (7).”.

21 (2) POSITIONS AT LEVEL V.—Section 5316 of
22 such title is amended by striking the following:

23 “Director, Indian Health Service, Department
24 of Health and Human Services.”.

25 (e) CONFORMING AMENDMENTS.—

1 (1) IN GENERAL.—Section 601 of the Indian
2 Health Care Improvement Act (25 U.S.C. 1661) is
3 amended—

4 (A) in subsection (a)—

5 (i) in the second sentence, by striking
6 “a Director,” and inserting “the Assistant
7 Secretary for Indian Health,”;

8 (ii) in the third sentence, by striking
9 “The Director of the Indian Health Serv-
10 ice” and inserting “The Assistant Sec-
11 retary for Indian Health”;

12 (iii) in the fourth sentence, by striking
13 “the Director” and inserting “the Assist-
14 ant Secretary for Indian Health”; and

15 (iv) by striking the fifth sentence;

16 (B) in subsection (c), by striking “Director
17 of the Indian Health Service” both places it ap-
18 pears and inserting “Assistant Secretary for In-
19 dian Health”; and

20 (C) in subsection (d), by striking “Director
21 of the Indian Health Service” and inserting
22 “Assistant Secretary for Indian Health”.

23 (2) MISCELLANEOUS.—The following provisions
24 are each amended by striking “Director of the In-

dian Health Service” each place it appears and inserting “Assistant Secretary for Indian Health”:

(A) Section 816(c)(1) of the Indian Health Care Improvement Act (25 U.S.C. 1680f(c)(1)).

(B) Section 203(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 761b(a)(1)).

(C) Subsections (b) and (e) of section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377 (b) and (e)).

(D) Section 803B(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 2991b–2(d)(1)).

**SEC. 2. ORGANIZATION OF INDIAN HEALTH SERVICE WITH-
IN THE DEPARTMENT OF HEALTH AND
HUMAN SERVICES.**

(a) ORGANIZATION.—Section 601 of the Indian Health Care Improvement Act (25 U.S.C. 1661), as amended by section 1(e)(1), is further amended—

(1) by striking “within the Public Health Service of the Department of Health and Human Services” each place it appears and inserting “within the Department of Health and Human Services”; and

(2) in the third sentence of subsection (a), by striking “report to the Secretary through the Assistant Secretary for Health of the Department of

1 Health and Human Services” and inserting “report
2 to the Secretary”.

3 (b) CONFORMING AMENDMENT.—The section head-
4 ing of section 601 of the Indian Health Care Improvement
5 Act (25 U.S.C. 1661) is amended to read as follows:

6 “ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS
7 AN AGENCY OF THE DEPARTMENT OF HEALTH AND
8 HUMAN SERVICES”.

9 (c) UTILIZATION OF PUBLIC HEALTH SERVICE PER-
10 SONNEL.—

11 (1) IN GENERAL.—Nothing in the amendments
12 made by this section may be interpreted as terminat-
13 ing or otherwise modifying any authority providing
14 for the utilization by the Indian Health Service of
15 officers or employees of the Public Health Service
16 for the purposes of carrying out the responsibilities
17 of the Indian Health Service.

18 (2) TREATMENT OF OFFICERS AND EMPLOY-
19 EES.—Any officer or employee that is utilized in the
20 manner described in paragraph (1) shall be treated
21 as an officer or employee detailed to an executive de-
22 partment under section 214(a) of the Public Health
23 Service Act (42 U.S.C. 215(a)).

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